

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	
Inventors: John ERICKSON et al.	: Confirmation No.: 6750
	:
U.S. Patent Application No. 09/941,606	: Group Art Unit: 2162
	:
Filed: August 30, 2001	: Examiner: Anh LY
	:
For: SOFTWARE MEDIA CONTAINER	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

SECOND AMENDED BRIEF ON APPEAL

Further to the Notification of Non-Compliant Appeal Brief dated July 18, 2007, the Notification of Non-Compliant Appeal Brief dated May 4, 2007, the Notice of Non-Compliant Appeal Brief mailed June 7, 2006, the Appeal Brief filed December 23, 2005 and the Notice of Appeal filed October 28, 2005, in connection with the above-identified application on appeal, herewith is Appellant's Second Amended Brief on Appeal. The \$500 statutory fee was paid on December 23, 2005. The Commissioner is authorized to charge Deposit Account No. 08-2025 for any other required fees not otherwise provided for.

To the extent necessary, Appellant hereby requests any required extension of time under 37 C.F.R. §1.136 and hereby authorizes the Commissioner to charge any required fees not otherwise provided for to Deposit Account No. 08-2025.

With respect to the Notice of Non-Compliant Appeal Brief mailed June 7, 2006, Appellants asserted that the Appeal Brief was compliant as claims 2 and 8 were not argued separately and therefore under 37 C.F.R. 41.37(c)(1)(v) there was no need for separate submission of these claims under the Summary of Claimed Subject Matter heading. In order to further processing of the Appeal Brief to a decision by the Board, Appellants included additional material regarding claims 2 and 8 in the Amended Appeal Brief filed June 1, 2007. Because the July 18, 2007 Non-Compliant Appeal Brief notice does not mention an outstanding issue with respect to claims 2 and 8, Appellants believe that the previous issue has been overcome with respect to claims 2 and 8.

With respect to the Notice of Non-Compliant Appeal Brief mailed July 18, 2007, Appellants believe that the limitations of claim 1 have been sufficiently and clearly cited with respect to the specification. Further, Appellants believe that the limitations of claims 5 and 11 have been sufficiently and clearly cited with respect to the specification. Further still, Appellants point out that claim 9 has not been separately argued in the appeal and, as such, no summary of claim 9 is necessary in the present Amended Brief on Appeal.

Respectfully submitted,
John ERICKSON et al.

A handwritten signature in dark ink, appearing to read "Randy A. Noranbrock", is written over a light blue circular stamp.

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Date: August 9, 2007